

REMARKS

This Amendment, submitted in response to the Office Action dated June 11, 2008, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-11 are all the claims pending in the application. Claims 9, 10 and 11 have been added.

I. Claim Rejections under 35 U.S.C. § 103

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakano (U.S. Patent No. U.S. Patent No. 6,836,668), in view of Valentine et al. (U.S. Patent No. 6,363,253).

Claim 1 recites, *inter alia*,

the mobile phone terminal comprises . . . means for transmitting data corresponding to a desired voice message via a packet switching line connected with the network on the basis of the connection request,

the network comprises data/voice message converting means for converting data transmitted from the mobile phone terminal via the packet switching line to corresponding voice message, and means for merging the converted voice message to the circuit switching line to transmit the same to the opposite party terminal

In the Office Action, the Examiner conceded that Nakano fails to teach or suggest “the network comprises data/voice message converting means for converting data transmitted from the mobile phone terminal via the packet switching line to corresponding voice message, and means for merging the converted voice message to the circuit switching line to transmit the same to the opposite party terminal”. (Office Action, P. 3). To make up for this conceded

deficiency, the Examiner cited the teachings of Valentine, and in particular, the discussion regarding Figure 2 of Valentine. (Office Action, P. 3). However, Applicant respectfully submits that this is incorrect for at least two important technical reasons.

First, Applicant respectfully submits that Valentine cannot teach or suggest “**converting data transmitted from the mobile phone terminal via the packet switching line.**” Valentine specifically states that the Base Transceiver Station (BTS) 24 of the IP based cellular network receives voice and/or data 125 in **a circuit switched format** used by the Mobile Station 20. (Valentine, Col. 3, Ln. 43-53). Voice and/or data 125 is converted **by the BTS of the network to IP packets 135**. Thus, the network is not converting data received “via a **packet switching** line connected with the network”. Rather, the network converts data received via **a circuit switched line**. As such, Applicant respectfully submits that Valentine clearly fails to teach or suggest at least this limitation of the claim.

Second, Applicant respectfully submits that Valentine fails to teach or suggest “**merging the converted voice message to the circuit switching line to transmit the same to the opposite party terminal**”. It is not the IP Packets 135 (cited as the converted data/voice messages) that are sent by the network to the called party 100 (cited as opposite party terminal). Rather, Valentine specifically teaches converting the IP packets 135 “**back into voice and/or data 125**”, the **original signal** transmitted from the Mobile Station 20, before being transmitted to the called party. (Valentine, Col. 3, Lns. 55-60). In other words, Valentine clearly fails to teach or suggest the network **converting any message** transmitted by a calling party and then **sending the converted message** to the called party because **Valentine clearly teaches converting the message back to its original form prior to sending the message to the called**

party. The only reason for the initial conversion in Valentine is to make the circuit switch message transmittable through the IP based network. Thus, Valentine would not have taught or suggested sending the IP format message (cited as the converted message) to the called party prior to its conversion back to its original format. Otherwise, the message could not be transmitted to the called party **via the circuit switched line**. As such, Applicant respectfully submits that Valentine clearly fails to teach or suggest at least this limitation of the claim.

For at least the above reasons, Applicant respectfully submits Valentine clearly fails to supplement for the conceded deficiencies of Nakano. As such, Applicant respectfully submits that claim 1 would not have been obvious under 35 U.S.C. § 103(a) over Nakano in view of Valentine, because the references, alone or in combination, do not teach or suggest all of the features and limitations of the claim. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claim 1 and claims 2-5 at least by virtue of their dependency from claim 1.

Applicant further respectfully submits independent claim 6 is patentable over the cited combination for similar reasons. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claim 6 and claims 7-8 at least by virtue of their dependency from claim 6.

II. New Claims

New claims 9, 10 and 11 have been added. Applicant respectfully submits that these new claims are patentable over the prior art at least by virtue of their dependency from claims 1 and 6. Further, Applicant respectfully submits that new claims 9 and 10 are also distinguishable over the prior art because each require "said data corresponding to the desired voice message

transmitted by the mobile phone terminal to the network via the packet switching line connected with the network does not comprise speech data spoken by a user of said mobile phone terminal corresponding the desired voice message” which is clearly not taught or suggested by the prior art. Accordingly, entry and allowance of these claims is respectfully requested.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CUSTOMER NUMBER

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